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STATE FOR ISN/CB, VCI/CCA, L/NPV, IO/MPR,
SECDEF FOR OSD/GSA/CN,CP>
JOINT STAFF FOR DD PMA-A FOR WTC
COMMERCE FOR BIS (BROWN, DENYER AND CRISTOFARO)
NSC FOR LUTES
WINPAC FOR WALTER

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STATES PARTIES, NOVEMBER 30-DECEMBER 4, 2009

REF: A. THE HAGUE 632
[1](#)B. THE HAGUE 659
[1](#)C. THE HAGUE 706
[1](#)D. SMITH-ISN/CB E-MAIL 11/13/09
[1](#)E. GRANGER-ISN/CB E-MAIL 11/27/09
[1](#)F. GRANGER-ISN/CB E-MAIL 11/24/09

Classified By: Janet E. Beik for reasons 1.4 (B) and (D)

This is CWC-69-09

SUMMARY

[1](#)1. (SBU) The 14th Conference of the States Parties (CSP) should smoothly wrap up the year's worth of activities of the Organization for the Prohibition of Chemical Weapons (OPCW), as intended in the Chemical Weapons Convention (CWC). This year, unlike many in the past, the Executive Council (EC) completed its preparatory work for the CSP on time, including the critical issues of recommending a consensus candidate, Ahmet Uzumcu of Turkey, to become the next Director-General of the Organization, and forwarding the draft 2010 Program and Budget to the Conference to approve (ref A). Iran's participation, as always, could play a wild card in the Conference, with the most likely disruptive intervention centering on criticism of prospective delays in the U.S. chemical weapons destruction program.

[1](#)2. (SBU) With the visit of Assistant Secretary of Defense Andrew Weber November 30 - December 1, the U.S. Delegation will pursue progress on critical issues outside of the Conference plenary sessions, including briefings on the U.S. chemical weapons destruction program and meetings on Iraq's future destruction.

3.(SBU) In the weeks leading up to the CSP, Dr. Robert Mikulak, ISN/CB Executive Director and U.S. Representative to the EC and CSP, visited The Hague November 10-11 and met bilaterally with a number of delegations in advance of the CSP. The CSP General

Committee met on November 11 and 26 to discuss preparations for the CSP. Delreps participated in a meeting of Close Allies on November 18 as well as a number of bilateral meetings with other delegations and with the Technical Secretariat (TS). Regular weekly meetings of the Western European and Others Group (WEOG) were held throughout November to discuss current issues.

14. (SBU) Unresolved issues for the CSP include draft decisions on Article VII (National Implementation) and Article XI (Economic Cooperation and Assistance). As one WEOG wag expressed it, with the major issues of the DG selection and the budget resolved, there has been perhaps too much time to devote to details of the Article VII and XI decisions before the CSP. In contrast, the annual decision on Universality found consensus language during a single consultation on November 13.

15. (SBU) Details on the status of these issues on the eve of the CSP follow, as well as notes on some broader issues from the Close Allies meeting.

IRAN

16. (SBU) On November 26, Iranian Delegate Hassan Vejdani told Delreps that Iran plans to propose report language on destruction deadlines during the

CSP. He did not yet have the language to share but said that they planned to provide the draft to the U.S. and other delegations shortly. Delreps responded that the earlier we could see the draft language, the better, and that it should be general for all destruction; we would not accept language singling out the United States.

17. (C) In a private meeting later that morning, the Director-General told Delreps that the Iranian delegation had also informed him that they would have report language on the destruction deadlines. He advised them to offer the draft early and to consult widely with other delegations, to avoid the confrontational final session of last year's Conference. (Del Note: In the 2008 CSP, Iran was totally isolated in its efforts to introduce report language on the destruction deadline, resulting in a Chairman's Report when Iran would not join consensus on that paragraph. End Note.)

18. (SBU) Who will represent Iran is still an open question, as the new Permanent Representative to the OPCW has not yet presented his credentials, and the Iranian government filed applications late for visas for delegates from Tehran.

ARTICLE VII

19. (U) Facilitator Rami Adwan (Lebanon) convened a series of consultations during November to discuss a draft decision on national implementation for the CSP. However, in stead of getting down to drafting the decision, Iran questioned the need for a decision saying that report language indicating the current status of things would be sufficient. While Iran was the only delegation explicitly to reject a draft decision, support among many other delegations was contingent on the decision tracking closely with that from last year. During the consultation on November 12, the South African and Iranian delegations each tabled new language on indicators contained in the annual TS report on

Article VII implementation (ref D). The South African proposal aimed to limit the indicators to those directly related to Article VII, thereby removing existing indicators on submissions of annual declarations, etc. The Iranian proposal -- which was presented as complementary to the South African proposal but actually appeared to be contradictory -- called for more detailed information on what member states have done to bring their regulations and legislation in line with Article XI Paragraph 2(e).

¶10. (SBU) After not making any progress in the previous two meetings, Adwan's third consultation on November 17 was more productive and focused on a draft text prepared by Adwan, going paragraph-by-paragraph through the text. Throughout the consultation the Iranian delegate was usually the first to speak on each paragraph, often insisting that all language match exactly that in the previous year's decision (C-13/DEC.7). Aside from a few constructive comments by the Cuban delegate to move the process along, Iran was only delegation from the Non-aligned Movement (NAM) to take the floor. The three-hour consultation turned into a Qfloor. The three-hour consultation turned into a debate between Iran and WEOG delegations, with a few interventions by the Russian and Japanese delegates.

¶11. (C) With the South African delegation's absence, Adwan chose to postpone discussion on the South African proposal to limit indicators in the TS annual report only to those in Article VII. The

Iranian Delegate seized the opportunity to postpone discussion on the Iranian proposal to add an indicator on Article XI Paragraph 2(e), claiming that it was related to the South African proposal and should be considered concurrently. At the close of the meeting, Adwan promised to circulate a new draft reflecting comments from the consultation. The next consultation was scheduled for November 23. (Del Comment: Adwan finally seemed to realize who his friends and enemies were during the consultation. While he previously seemed inclined to accommodate all Iranian requests, Adwan started pushing back, particularly when Iran objected to congratulating Lebanon, among others, for establishing a national authority. End Comment.)

¶12. (SBU) During the final consultation before the CSP on November 23, Adwan went through his revised draft text paragraph by paragraph, successfully removing brackets from all but five portions: the title, the preambular paragraph on progress made in designating/establishing national authorities since last year's decision, the preambular paragraph on the contribution to universality, and operative paragraph on proving the full text of national legislation, and the penultimate operative paragraph on the annual TS report. Positions on the draft decision's title were split between those delegations wanting to repeat last year's title and those delegations supporting Adwan's lengthier title taken from the 2006 (CSP-11) decision.

¶13. (SBU) The Iranian delegation held up agreement on the preambular paragraph on designation/establishment of national authorities because of objections to referencing last year's decision, despite the decision being referenced specifically in the first two preambular paragraphs. The Iranian delegation also voiced the only objection to including the UK-proposed preambular paragraph on the link between universality and Article VII implementation, despite the language having been

agreed in the Article VII Action Plan and the Second Review Conference.

¶14. (SBU) Legal Advisor Onate explained that the report of the First Review Conference as well as the Article VII Action Plan provided the basis for requesting updates from member states when amending implementing legislation/regulations as well as the full text of national implementing legislation. The Iranian delegation, initially opposed to including the paragraph, went on to insist that a reference to Article XI Paragraph 2(e) be added. The South African and Indian delegates suggested that relevant portions of the Action Plan (paragraphs 14(c) and 15) could be inserted verbatim.

¶15. (SBU) The remaining point of contention involved the request to the TS to produce its annual report on Article VII implementation. WEOG delegations spoke in support of a generic request for annual reports in order to avoid having to re-authorize the TS each year to produce its report. Delegates also discussed the South African and Iranian proposals on which indicators to include in the annual report. The South African delegate Qthe annual report. The South African delegate initially refused to be drawn into commenting on the Iranian proposal but finally admitted that he did not see a contradiction between the two proposals; he explained that -- even though his proposal limited indicators to those related to Article VII paragraphs 1, 4 and 5 -- the Iranian proposal could be accommodated because a previous decision (the Action Plan) specifically mentioned Article XI Paragraph 2(e). With no agreement in

sight, Adwan closed the meeting and announced his plan to continue consultations during the CSP, most likely starting on December 1. (Ref E contains latest draft text.)

ARTICLE XI

¶16. (SBU) Facilitator Chen Kai (China) held three rounds of consultations on his draft decision on Article XI. The first consultation on November 11 was short and efficient, with delegations actively commenting on the draft text circulated by Chen (ref F). During his consultation on November 17, Chen presented a new draft. Discussion focused on the operative paragraphs, specifically those dealing with the proposed workshop. WEOG delegations pushed to remove redundancies throughout the text; Iran and Cuba were the only NAM delegations to engage, the latter more constructively than the former. When the Iranian delegate insisted on the word "agreed" appearing in reference to the arrangements for the workshop, the Brazilian delegate responded that the decision should focus on authorizing the workshop instead of fixating on agreeing all of its aspects.

¶17. (SBU) During the November 23 consultation, delegations progressed through Chen's revised draft text leaving only two points open at the end of the meeting. While agreement was reached on most outstanding issues, the Iranian delegation surprisingly threw on the brakes near the end of the meeting, informing Chen that they needed instructions from Tehran and would not be able to resume discussions for at least a week. The Iranian delegation took exception to the reference in the fifth preambular paragraph to the Chairman's Report from CSP-13, ostensibly because they continue to question the report's legitimacy. The

Iranian delegation also objected to a proposal to reference, in the same preambular paragraph, the Cuban national paper (from EC-54) which formally suggested holding the Article XI workshop. The Iranian delegation also continued to insist on some form of the word "agree" in the third operative paragraph addressing arrangements for the proposed workshop. (Ref G contains latest draft text.)

¶18. (C) Del Comment: Iran seems to have come to accept holding a workshop in 2010 but is still wary about what the workshop will include and how it will be arranged. In the words of the Brazilian delegate, Iran is "fixated" on spelling out every aspect of the workshop and making sure that member states will be able to veto any aspect with which they object. The approach of the facilitator and of other NAM delegations indicates their realization that progress on Article XI is implicitly linked to concomitant progress on Article VII. While Chen's facilitation is more advanced than the Article VII facilitation and seemed on the verge of completion before the Iranian delegation halted it, there is a general understanding that an Article XI decision at the CSP will only be possible if there is a parallel agreement on an Article VII decision. End Comment.

UNIVERSALITY

¶19. (U) On November 13, Facilitator Lee Litman (UK)
Q19. (U) On November 13, Facilitator Lee Litman (UK) convened a brief consultation to discuss his proposed draft decision on Universality for the CSP. At the beginning of the meeting, Polish Delegate Warminska gave a report on meetings held

in October on the margins of the UN First Committee in New York by Director-General Pfirter and Polish Permanent Representative Rapacki. While all seven non-member states were invited to meet with Pfirter and Rapacki, only Burma, Egypt, Israel and Syria accepted. Warminska reported that Burma signaled its political will to ratify the Convention but admitted that it is not a top priority for the government. Egypt and Syria both linked their accession to the regional security situation, specifically saying that Israel would have to join the Nuclear Non-Proliferation Treaty (NPT) first. Israel announced its intention to participate in the CSP and also noted the link made by other countries between the CWC and the NPT and regional security issues.

¶20. (U) Turning to the draft decision, Litman asked for reactions from delegations. The Iranian delegate was the first to speak, raising Iran's usual objection to the word "non-proliferation", saying that it does not exist in the Convention and is usually used specifically in the nuclear context. Delrep, along with German and Italian delegates, spoke in favor of retaining the word "non-proliferation". The Iranian delegate relented after the German delegate suggested specifying that the decision's reference to non-proliferation was only in the context of the CWC. The only other modification to Litman's draft text was a suggestion made by Delrep to include "relevant OPCW meetings and events" in the list of activities to which non-member states could be invited in order to highlight the useful outreach conducted during regional workshops and seminars.

¶21. (U) After reaching agreement on the modified draft decision, Litman said he would forward the draft to the CSP for consideration and adoption.

(Del Note: The draft decision has been issued officially as a Conference Room Paper, C-14/DEC/CRP.8. End Note.)

QUAD LUNCH

¶22. (C) Delreps Smith and Granger attended a working lunch for Close Allies (France, Germany, the UK and the U.S.) hosted by the UK Delegation on November 18. UK Delegate Karen Wolstenholme, German Ambassador Werner Burkart and Delegate Ruth Surkau, and French Delegates Raja Rabia and Edouard Meyrat also attended. After discussing the current status of consultations and preparations for the CSP, Burkart and Delrep raised how to energize Article VI industry consultations. While Sudanese Ambassador Idris (the Executive Council Vice-Chair for Industry Issues) has put out a call for a facilitator to take on outstanding issues related to other chemical production facilities (OCPFs) and to annual Article VI inspection numbers, Delrep said that Idris should be encouraged to chair a consultation himself to get things moving. And, while Article VI issues are important to WEOG delegations, Surkau noted that WEOG delegations already provide the bulk of facilitators; it was agreed that a non-WEOG facilitator may be best suited to lead consultations on contentious industry issues. Given Brazilian re-engagement on industry issues, including Ambassador Meideros' chairing of an OCPF workshop on November 25, it was suggested that the Brazilian delegation be approached to take on the open industry consultation. Rabia noted the current absence of any Russian facilitators and suggested having a Russian co-facilitator to assist Brazil.

¶23. (C) Burkart and Delrep also raised the issue of who from WEOG could be the next Executive Council (EC) Chairman to succeed current Chairman Lomonaco (Mexico) when his term ends in May 2010. Of the ten WEOG members, Burkart said that the ambassadors of Luxembourg and Denmark are the only possibilities. Among the Close Allies, Burkart will be leaving during the summer of 2010; Wolstenholme said that new UK Ambassador Arkwright is not interested in the OPCW; Rabia said that French Ambassador Blarel has categorically refused to take on the role. Burkart said he had spoken to the Italian and Spanish ambassadors, neither of whom wanted the role. Burkart also said that the Canadian ambassador will be leaving during the summer of 2010 and posited that the Turkish ambassador should be excluded. Burkart noted that the Luxembourgish Ambassador is engaged in OPCW issues and served on the Security Council when he was Permanent Representative in New York and Luxembourg was a rotating member.

¶24. (C) Wolstenholme announced that the UK Delegation has firm instructions from London not to deal with the Iranian Delegation due to the recent conviction of local staff from the UK Embassy in Tehran. Rabia followed by saying that local staff from the French Embassy in Tehran are currently on trial; she said that the issue is extremely sensitive but unresolved.

¶25. (C) Moving to the issue of designated laboratories, Rabia said Paris has suggested two modifications to the draft agreement tabled by the TS. The first modification would allow the TS to use an alternative laboratory if the first laboratory is unable to conduct the analysis and/or to accept a representative of the inspected state

party to observe the analysis. The second modification would allow laboratories to report results of analysis to the TS and in conformity with national regulations, which could include providing information also to a National Authority or other government body. Burkart responded that Germany supports the first French modification but not the second. He explained that there is strong German industry scrutiny on the issue of sampling and analysis; while he might not be concerned about the French National Authority receiving the results of an analysis of a German sample, the same might not be true in China or other countries. Burkart also stated that Berlin is reviewing the draft agreement to see if previous concerns raised by German have been addressed.

¶26. (C) Delrep and Burkart then raised a proposal made by Director-General Pfirter during a lunch he hosted the previous day for WEOG representatives. Pfirter, claiming to speak "off the cuff," suggested that one way to deal with Article VI inspections could be for national authorities to conduct their own industry inspections and for the TS to regularly audit them, including spot checks. He suggested this as a way to augment the current number of industry inspections. While there was some surprise at Pfirter's remarks, he told UK Ambassador Arkwright after the lunch that China was on-board. Delrep said that India had raised a similar suggestion during bilateral consultations on the margins of the last EC session in October.

¶27. (U) BEIK SENDS.

GALLAGHER